

Remarks

Applicant thanks the Examiner and his supervisor for the courtesy extended to Applicant's representative, Larry T. Cullen during an interview on July 12, 2007.

During the interview, Applicant discussed the rejection under 35 U.S.C. § 112, ¶2 and the prior art rejection under McGregor. Applicant explained to the examiners that Applicant intended to amend the independent claims to include the subject matter of allowed claims 7 and 20, respectively, including intervening claims. The Examiners indicated that further consideration would be required and that other references would need to be considered prior to allowing the amended claims.

After the interview, the Examiner provided Applicant with three references to consider as follows: Minami et al. (U.S. Pub. 2004/0062267) (para. [0563]); Narad et al. (US Pub. 2003/0005103) (RX Timestamp 602 in Fig. 7) and Azriel (US 6,724,736) (col. 14: 3-7) for allegedly showing an instruction contained in an IPMP packet which instructs a recipient network device to insert a time stamp relative to an arrival time of the IPMP packet, as substantially recited by the amended claims. Applicant respectfully appreciates the citations provided by the Examiner and respectfully request the citations to be included in a listing of prior art with the next Office action. Applicant notes, however, that none of the cited references appear to affect the patentability of the amended claims. Minami has a filing date after Applicant's provisional date, and hence is not believed to be prior art to Applicant's invention. In Narad, the timestamp is associated with writing to a buffer rather than the receipt of the packet, and further does not appear to be associated with an instruction in an IPMP packet. In Azriel, the timestamp is merely extracted from the sending endpoint (col. 13: 0-7), Azriel does not

appear to have an instruction contained in an IPMP packet which instructs a recipient network device to insert a time stamp relative to an arrival time of the IPMP packet.

Claims 1, 14 and 27 have been amended to incorporate the limitations of claims 7 and 20, respectively, which were indicated to be allowable over the McGregor reference. More particularly, McGregor does not disclose or suggest to use an IPMP packet constructed by the measurement host which includes instructions for the recipient to include a time stamp or not, wherein the time stamp occurs relative to an arrival of the IPMP packet at the recipient network device. Accordingly, McGregor does not anticipate the amended claims and the rejections under 35 U.S.C. § 102 are believed to be fully addressed. No new matter has been added.

Moreover, Minami et al. (U.S. Pub. 2004/0062267) which is relied upon to reject claims 5, 8, 18 and 21 in combination with McGregor under 35 U.S.C. § 103 does not cure the deficiencies of McGregor, and the Office action does not rely on Minami for such. Accordingly, the combination of Minami and McGregor does not render claims 5, 8, 18 and 21, which depend on claims 1 and 14 and incorporate all of the limitations thereof, respectively, unpatentable.

Having fully responded to the Office action, the application is believed to be in condition for allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited to contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

Respectfully submitted,

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